

MINUTES
FOR THE 2010 REDISTRICTING COMMISSION
OF THE CITY OF SAN DIEGO
THURSDAY, MARCH 3, 2011
IN THE COMMITTEE ROOM – 12TH FLOOR

CHRONOLOGY OF THE MEETING:

The meeting was called to order by Chair Dalal at 4:05 p.m. 24 persons were observed to be in attendance. The meeting was adjourned by Chair Dalal at 5:17 p.m. to the next scheduled meeting of the Redistricting Commission on Thursday, March 17, 2011, at 4:00 p.m. in Committee Room.

ATTENDANCE DURING THE MEETING:

(C) Chair Anisha Dalal
(VC) Vice Chair Carlos Marquez
(M) Ani Mdivani-Morrow
(M) Frederick Kosmo
(M) Theresa Quiroz
(M) David Potter
(M) Arthur Nishioka

ROLL CALL:

Chair Dalal called the roll:
(C) Chair Anisha Dalal - present
(VC) Vice Chair Carlos Marquez - present
(M) Frederick Kosmo - present
(M) Ani Mdivani-Morrow - present
(M) Arthur Nishioka - present
(M) David Potter - present
(M) Theresa Quiroz - present

NON-AGENDA PUBLIC COMMENT:

This portion of the agenda provides an opportunity for members of the public to address the Redistricting Commission on items of interest within the jurisdiction of the Commission.

Comments are limited to no more than three minutes per speaker. Submit requests to speak to the Chief of Staff prior to 5:00 p.m. Pursuant to the Ralph M. Brown Act, no discussion or action, other than a referral, shall be taken by the Redistricting Commission on any issue brought forth under Non-Agenda Comment.

Comment 1 – Brian Pollard, a resident of Council District 4, spoke about communities of interest.

Comment 2 – Larry Baza, a member of the Lesbian, Gay, Bisexual, and Transgender (LGBT) Redistricting Task Force spoke about participation in the previous redistricting process.

Comment 3 – Mel Merrill, a resident of Council District 3, spoke about LGBT participation in redistricting and coalition building. He expressed support for the current district map south of Interstate 8 and asked that the Commission allow the LGBT “community of interest” to remain in a single council district .

Comment 4 – Jim Varnadore, a resident of City Heights, remarked that the minutes so far have been wonderful. He noted that his community is holding a meeting on March 16 to discuss “Redistricting 101” and will bring the results of this meeting to the Commission. He commented on varying definitions of “communities of interest” and noted that some have protections under the Voting Rights Act, while others are self-claimed.

Comment 5 – Doug Case, a member of the LGBT Redistricting Task Force, encouraged the Commission to look at the LGBT community as a “community of interest.” He defined a “community of interest” as one that shares common social interest, and relayed a recent declaration by the U.S. Attorney General to consider discriminatory actions against the LGBT community with a higher level of scrutiny.

Comment 6 – Linda Perine, a member of the LGBT Redistricting Task Force, thanked the Commission for their work and asked the other Task Force members in attendance to stand.

Ms. Midori Wong, Redistricting Commission Chief of Staff, noted that a number of speakers submitted non-agenda public comments slips in support of the previous speaker, but did not wish to speak. The following names were read into the record: Matt Corrales, John Lockhart, Fernando Lopez, Peter Hill, Gregory Bolian, Stephen Whitburn, Robert Mahlowitz, David Warmoth, and Lynn Gwizdak.

COMMISSION COMMENT:

Commissioner Comment 1 – Commissioner Kosmo thanked everyone in attendance, especially those who have attended multiple meetings. He invited everyone watching on TV to attend as well.

Commissioner Comment 2 – Vice Chair Marquez also thanked the audience for attending, particularly those organizing events and discussions in their own communities to complement the Commission’s efforts.

Commissioner Comment 3 – Chair Dalal also thanked the audience and encouraged participation in the upcoming public hearings.

Commissioner Comment 4 – Commissioner Nishioka expressed appreciation for those attending the meeting. He noted he had a business commitment and would be leaving the meeting at 5:20 p.m.

**CITY ATTORNEY AND CITY STAFF ASSIGNED TO REDISTRICTING
COMMISSION COMMENT:**

None.

ACTION ITEMS

**ITEM - 1: APPROVAL OF THE FEBRUARY 17, 2011 REDISTRICTING
COMMISSION MEETINGS MINUTES.**

Chair Dalal requested that a minor correction be made change the word “invited” to “inviting” on page 2.

Commissioner Morrow requested that a change be made to page 5. She asked that in addition to expressing opposition to using the City’s short list the minutes reflect a reminder that she believes the Commission needs to separate as much as possible from the City.

Chair Dalal requested that staff make sure that the way opposition to a motion is reflected is consistent with previous minutes.

Motion by Commissioner Quiroz: Approve the minutes from the Redistricting Commission meeting of February 17, 2011 as corrected. Second by Commissioner Nishioka. The motion is approved unanimously 7-0.

**ITEM - 2: BUDGET SUBCOMMITTEE REPORT: DISCUSSION AND POSSIBLE
ACTION REGARDING FISCAL YEAR 2012 REDISTRICTING COMMISSION
BUDGET**

Chair Dalal provided a report from the Budget Subcommittee meeting regarding the following items: tracking current Commission budget expenditures, concern regarding the current level of funding, steps taken by the Chief of Staff regarding the current approved Commission budget, and options and process to seek additional funds should the Commission elect to do so.

Commissioner Quiroz commented that her perspective was that the subcommittee had made the following formal recommendations that were not included in the report: directing the Chair and Chief of Staff to meet with Financial Management staff and requesting the Chief of Staff to draft a memo for review by the Budget Subcommittee. She stated that the subcommittee discussed the options and process to seek additional funds at length and determined which were and were not appropriate. Given the unknowns associated with the Commission budget, she stated that she feels it is acceptable to submit a memo to the Mayor, City Council, and Independent Budget Analyst (IBA) to let them know of the position the Commission is in.

Commissioner Quiroz made a motion to direct the chair to write a memo to the Mayor, City Council, and IBA explaining the Commission's budget position and requesting that the City not sweep its unallocated reserves for Fiscal Year 2012 until the Commission has fulfilled its duties

as required by the City Charter. Commissioner Nishioka seconded the motion for purpose of discussion.

Vice Chair Marquez acknowledged prospective concerns regarding legal costs and asked how the Commission would go about projecting liability costs given that the City Charter states that the City will support any liability the Commission falls under. He expressed concern about issuing a letter when the Commission does not have information available on reserves that could help to calculate a projection of shortfall to substantiate such a letter.

Commissioner Kosmo also acknowledged concern that it is unknown how much the Commission may need to spend. He noted that significant steps have been taken to stay within budget. He indicated he felt it was inappropriate at this point in time to ask for more funds when the Commission does not have a good idea of how much is available in reserves.

Commissioner Quiroz stated that the purpose of the letter would not be to ask for more money and not to alarm, but alert them that the Commission does not know what the Commission's budget is going to be. She stated the Commission must also assure everyone that it will take every effort to spend as little as possible.

Commissioner Nishioka expressed agreement that it is very difficult to ask for consideration of additional funding without knowledge of the amount of reserves. He expressed confidence in the budget that was prepared and approved.

Vice Chair Marquez asked for clarification from the Chief of Staff regarding the amount of potential reserves.

Ms. Wong stated that preliminary estimates of available reserves had been calculated at about \$170,000, but that additional work was underway to research comparable contract costs to provide a better baseline for estimates of consultant work. In addition, she stated that the language proposed by Commissioner Quiroz regarding the unknown nature of the Commission budget had been submitted for inclusion in the Fiscal Year 2012 proposed budget document, and that this language could be forwarded to the Commission for review.

Commissioner Potter expressed reluctance to send a letter at this point in time given that the City Council already approved the Commission budget. He asked for clarification from the City Attorney's Office as to how potential legal challenges would be paid for out of the budget.

Ms. Sharon Spivak, Deputy City Attorney, responded that the City Attorney's Office would defend any claim brought against the City, but it also depends on how a potential lawsuit is pled. Chair Dalal indicated she would like to see the Fiscal Year 2012 proposed budget narrative, and that she was satisfied at this point in time knowing that there are other opportunities to bring this discussion before the Commission again.

Motion by Commissioner Quiroz: Direct the chair to write a memo to the Mayor, City

Council, and IBA explaining the Commission's budget position and requesting that the City not sweep its unallocated reserves for Fiscal Year 2012 until the Commission has fulfilled its duties as required by the City Charter. Second by Commissioner Nishioka. The motion fails, 1-6. Commissioner Quiroz is in favor. Those in opposition are Chair Dalal, Vice Chair Marquez, Commissioner Kosmo, Commissioner Morrow, Commissioner Nishioka, and Commissioner Potter.

ITEM-3: DISCUSSION REGARDING POSSIBLE RETENTION OF OUTSIDE COUNSEL FOR REDISTRICTING COMMISSION AND CREATION OF RELATED SUBCOMMITTEE.

Chair Dalal introduced the item and called for public comment.

Public Comment 1 – Jim Varnadore expressed opposition to hiring outside counsel, referring to language in the City Charter that the Commission should use City resources to the greatest extent possible. He expressed ultimate faith that the City Attorney's Office can provide the scope and level of legal services that the Commission requires, including if the Commission be sued.

Ms. Wong noted that another request for non-agenda public comment was received, and called the speaker to comment at this time.

Public Comment 2 – Gail Reid, a resident of Council District 4, expressed support for the currently drawn district and asked that the community be included in all discussions.

Chair Dalal reported that the 2000 Redistricting Commission final report includes a number of recommendations for the consideration by the 2010 Redistricting Commission. One of these is that the 2010 Redistricting Commission hire expert redistricting counsel and not rely exclusively on the Office of the City Attorney for legal advice.

Chair Dalal proposed that Commissioner Kosmo be appointed to work with the Chief of Staff and the City Attorney's Office, where legal counsel is needed, to research options for retaining outside counsel, and asked that a status report be provided at the next Commission meeting. She expressed confidence in Commissioner Kosmo's ability to carry out this task.

Commissioner Kosmo commented that the City Attorney's Office has done an excellent job supporting the Commission. He commented on the importance of having the process done "right" and expressed support for having an independent legal opinion and review of the work of the Commission. He noted that the California State Redistricting Commission has released a request for statement of qualifications to solicit outside counsel.

Commissioner Potter reiterated that he was comfortable with the City Attorney's Office providing legal advice and was not supportive of spending additional funds on outside legal counsel.

Commissioner Nishioka requested that the Chief of Staff, working with Commissioner Kosmo, survey other jurisdictions to find out if they are using in-house or external counsel. He expressed confidence in the City Attorney's Office, but also felt it was prudent to identify firms ahead of time that could provide additional counsel should it be needed.

Motion by Chair Dalal: Appoint Commissioner Kosmo to work with the Chief of Staff and the City Attorney's Office, where legal counsel is needed, to research options for retaining outside counsel, and to bring a status report to the next Commission meeting on March 17, 2011. Second by Commissioner Morrow. The motion is approved 6-1. Those in favor are Chair Dalal, Vice Chair Marquez, Commissioner Kosmo, Commissioner Morrow, Commissioner Nishioka, and Commissioner Quiroz. Commissioner Potter is in opposition.

INFORMATION ITEMS

ITEM - 4: PRESENTATION REGARDING REDISTRICTING LAW BY THE CITY ATTORNEY'S OFFICE.

Ms. Spivak noted that her presentation was a continuation in a series of trainings intended to help the Commission understand the criteria to be used in creating the redistricting plan. She noted that the presentation today would focus on some of the criteria that deal with what the physical map looks like, particularly the terms "compact" and "contiguous."

Commissioner Nishioka asked if the Commission web site included references to the City Charter covered by Ms. Spivak's presentation, and if the presentations were available as PDFs on the web site.

Ms. Wong replied that there was a link to the City Charter sections related to redistricting from the main Commission web page. She stated it was her understanding that the presentations needed to go through internal approvals at the City Attorney's Office prior to being uploaded to the Commission web site.

Ms. Spivak confirmed that she would be uploading the presentations to the Commission web site with Ms. Wong's assistance following discussion at the City Attorney's Office.

ITEM-5: OUTREACH SUBCOMMITTEE REPORT: UPDATE ON POTENTIAL CONSULTANT SERVICES; UPDATE ON SCHEDULE OF "PRE-DATA" INTRODUCTORY PUBLIC HEARINGS AND PRE-MAP PUBLIC HEARINGS.

Commissioner Potter provided the Outreach Subcommittee report on further work to procure consultant services to develop a Public Participation Plan, schedule "pre-data" introductory public hearings, and pre-map public hearings.

Commissioner Potter noted that two introductory public hearings had been scheduled and noted that any requests for alternative formats, transit accessibility, or all other information should be directed to the Chief of Staff.

The subcommittee will meet as needed to continue the process to procure consultant services to develop a Public Participation Plan, develop recommendations for the agenda and materials to be presented at the introductory public hearings, and review the list of scheduled pre-map public hearings. The subcommittee will provide a report at the next Commission meeting on Thursday, March 17.

Commissioner Marquez requested that the "pre-data" public hearings be referred to as "introductory" since the Census data would be released in the following week. He also requested an update from City staff on creating a Facebook page for the Commission.

Chair Dalal requested that the Outreach Subcommittee set some internal deadlines to provide a better idea of when consultant services would be procured.

Ms. Wong read a public comment on this item into the record from Emily Serafy Cox, Executive Director of EMPOWER San Diego, regarding co-locating a mapping workstation with the state Citizens Redistricting Commission. Ms. Serafy Cox could not be present at the meeting.

STAFF REPORTS

ITEM - 7: MIDORI WONG, CHIEF OF STAFF: UPDATE ON IMPLEMENTATION OF OUTREACH ACTIVITIES.

Ms. Wong noted that she had put in a request for the projector in the Committee Room to be fixed so that the image could be made sharper, and that she had been assured by CityTV that the image showing on the television broadcast was not affected.

Ms. Wong reported that a full draft schedule of pre-map public hearings would be made available by the next Commission meeting. She provided information on efforts to keep the Commission web site current, and reiterated that she welcomes requests for introductory presentations to meetings of any interested community groups or stakeholders.

ADJOURNMENT:

Chair Dalal adjourned the meeting at 5:17 p.m.

Midori Wong, Chief of Staff
2010 Redistricting Commission